

Parent's Rights

To be included in all decisions

Give consent when necessary, or revoke consent

Receive Prior Written Notice (PWN) for identification, evaluation, or placement

Receive services at no expense (FAPE)

Have an Independent Educational Evaluation (IEE) at school expense

Informed of Rights and Procedural Safeguards

Invited to all IEP meetings

IEP developed/finalized during IEP meeting

Annual IEP review, or when necessary

Receive progress reports on IEP

Access to, & explanation of records

Notification of destruction of records

Assurance of confidentiality

Receive requested records within 45 days of request

Make corrections to or amend child's records

Request Mediation or a Due Process Hearing for dispute resolution

Enroll a child in a private school, with notice of intent given at IEP Meeting where parent decides the district program offered is not appropriate, or in writing at least 10 business days prior to removal of child, §300.403(d) & (e)

Parent's Responsibilities

Attend all meetings you're invited to

Provide consent when necessary (§300.505), and records when needed

Ask questions if PWN is not clear

Child's unique needs are considered

Must be prearranged if school is expected to pay (§300.502)

Ask questions if Rights or Safeguards are not clear

Ask to reschedule if unable to attend

Ask for draft of IEP prior to meeting; be prepared with suggestions & questions

Ask for review when needed (§300.343)

Review with IEP in hand; ask questions

Review & ensure accuracy of records (§300.500, 504, 562 & 577)

Can retrieve records when notified of impending destruction (§300.573)

Save discussions for appropriate adults

Request records in writing (§300.562)

Request amendment of records when not accurate (§300.567)

Request when needed (§300.506 & 507)

Provide Notice of Intent (§300.403)

School Rights

Secure parental consent when necessary

Initiate Prior Written Notices at appropriate times

Determine appropriate services and placement, with parental input

Agree to request for Independent Educational Evaluation (IEE)

If in disagreement with request for IEE, must initiate Due Process Hearing to defend public evaluation

Rights & Procedural Safeguards Info

Schedule IEP Meetings as necessary

Prepare DRAFT IEP for unique needs of student; relate goals and objectives to Arizona Academic Standards; finalize in IEP meeting

Call for IEP review on more than an annual basis, if necessary

Compile and provide Progress Reports

Access to needed records

Destruction of records

Correct, amend, or deny corrections or amendments

Request Mediation or Due Process Hearing for dispute resolution

Initiate a Due Process Hearing in response to request for private school placement if FAPE is available at LEA

School Responsibilities

Document lack of consent; perhaps initiate Mediation or Due Process (§300.505 - 509)

Individualize Prior Written Notices for unique needs of each student (§300.503)

Provide appropriate services and placement for student (FAPE) (§300.121 -122, §300.300)

Ensures criteria for IEE & qualifications of examiner (§300.502)

Must notify parents of refusal using Prior Written Notice and advise of Procedural Safeguards (§300.502 - 504)

Provide Rights & Procedural Safeguards (§300.504)

Conduct IEP meetings in timely manner (§300.342, Appendix A Question/Answer 18)

Send draft IEP related to AZ Academic Standards, provide PWN to parent, explain test results, determine eligibility with parent as team member (§300.534)

Annual review of IEP, more often if necessary (§300.343)

Reports of progress towards annual goals (§300.347)

Assurance of confidentiality (§300.563 and 565)

Notify parents of impending destruction of records (§300.572 & 573)

Advise parent of right to hearing if not amending records (§300.567 & 568)

Advise parents of dispute resolution processes (§300.506 & 507)

Disagreements about FAPE subject to §300.500 - 517

Parent Information Network, Arizona Department of Education, Exceptional Student Services, 8/02, SHS

Basic Special Education Requirements

Special Education has been required for students with all disabilities since the passage of Public Law (P.L.) 94-142 in November 1975, amended by P.L. 101-476 in 1990 and again by P.L. 105-17, Individuals with Disabilities Education Act (IDEA) in 1997. Regulations to implement the Act were published on March 12, 1999.

Children between ages 3 through 21 (to age 22) are entitled to FAPE (a Free Appropriate Public Education) in the LRE (Least Restrictive Environment).

Special Education services and/or related services will be provided through development of an Individualized Education Program (IEP). The IEP is developed in a team meeting with the parent as part of the team.

Parents have rights, including: giving or withholding the right for their child to be evaluated for possible special education services; Prior Written Notice explaining what a school or district is proposing or refusing to do; an Independent Educational Evaluation; Mediation; a Due Process Hearing; review, correction, or amendment of records; review of an IEP and/or placement; services at no expense; and placement of their child in a private school at public school expense per 34 CFR (Code of Federal Regulations) §300.403(d) and (e).

More detailed information on procedural safeguards and special education is available through documents from the ADE/ESS Parent Information Network Clearinghouse: SA17, Special Education Rights of Parents and Children Under 1997 IDEA Amendments; and, SE21, Traveling the Special Education Highway: A Parent's Guide to a Safe and Happy Journey. Both of these documents are available in Spanish.

This document was developed in March, 2001, and revised in August, 2002, by Shirley Hilts-Scott, Parent Information Network Specialist, Contract F8-0017-003, with funds allocated by the U.S. Department of Education under IDEA '97. The contents do not necessarily represent the policy of the agency, nor should endorsement by the federal government be assumed. The Arizona Department of Education, a state education agency, is an equal opportunity employer and affirms that it does not discriminate on the basis of race, religion, color, national origin, age, sex or handicapping condition. SHS